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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,407	03/01/2002	Carol L. Thompson	10001153	6225

7590

01/03/2006

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EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,407

Applicant(s)

THOMPSON ET AL.

Examiner

Todd Ingberg

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 20 have been examined.

Specification

1. The new abstract of the disclosure has been entered.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Legal words like “System” and Method” should be removed.
3. Examiner will rename the invention at the time of allowance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6 – 10 and 16 - 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed matter is not embodied on a tangible readable medium. The Examiner offers one of many ways to overcome the rejection.

Claim 6

A system for providing a graphic representation of code characteristics tangibly embodied on a computer readable medium, comprising: means for acquiring a block of code in a program; means for analyzing the block of code for at least one instruction characteristic; means for generating a unique graphical indicator for the at least one instruction characteristic; and means for displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.

Claim 16

A system for providing a graphic representation of code characteristics tangibly embodied on a computer readable medium, comprising:

a debug tool that indicates instruction characteristics in a program, wherein the debug tool further comprises:

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logic for acquiring a block of code in the program;
logic for analyzing the block of code for the at least one instruction characteristic;
logic for generating a unique graphical indicator for the at least one instruction characteristic; and
logic for displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.

Applicant's arguments on 101 are not persuasive and amount to mere Attorney argument. Applicant should refer to the State Street case on the issue of tangibility.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 11 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Morganelli et al USPN #6,425,120 filed January 14, 2000 published July 23, 2002.

Claim 1

Morganelli teaches a method for providing a graphic representation of code characteristics, the method comprising: acquiring a block of code in a program; analyzing the block of code for at least one instruction characteristic; generating a unique graphical indicator for the at least one instruction characteristic; and displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.

Examiner's Response

Morganelli teaches a method for providing a graphic representation of code characteristics (See figure 4D and associated text), each with unique ID (Fig 4D, 434a, 426a). Block of code Figure 4D, #418.

Claim 6

Morganelli teaches a system for providing a graphic representation of code characteristics, comprising: means for acquiring a block of code in a program; means for analyzing the block of code for at least one instruction characteristic; means for generating a unique graphical indicator for the at least one instruction characteristic; and means for displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.

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Examiner's Response

As per claim 1.

Claim 11

Morganelli teaches a computer readable medium for a graphic representation of code characteristics, comprising: logic for acquiring a block of code in a program; logic for analyzing the block of code for at least one instruction characteristic; logic for generating a unique graphical indicator for the at least one instruction characteristic; and logic for displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.

Examiner's Response

As per claim 1.

Claim 16

Morganelli teaches a system for providing a graphic representation of code characteristics, comprising:

a debug tool that indicates instruction characteristics in a program, wherein the debug tool further comprises:

logic for acquiring a block of code in the program;

logic for analyzing the block of code for the at least one instruction characteristic;

logic for generating a unique graphical indicator for the at least one instruction characteristic; and

logic for displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.

Examiner's Response

As per claim 1

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2-5,7-10,12-15,17-20 under 35 U.S.C. 103(e) as being unpatentable over Morganelli et al

USPN #6,425,120 filed January 14, 2000 published July 23, 2002 in view of TMS320C6X

Optimizing Compiler User's Guide, Texas Instrument 2000 (Called TI).

Morganelli teaches a environment to support visual debugging and optimization but Moranelli does not teach the underlying theory of compiler optimization. It is TI who teaches compiler optimization. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine Morganetti and TI, because visual debuggers and optimization make development environments easier to use.

Claim 2

The method of claim 1, wherein the at least one code characteristic is selected from the group consisting of a user-visible sub-statement instruction, a loop entry instruction, a loop body instruction, dead code instruction, and a data-speculative load instruction.

Examiner's Response

TI teaches at least one a data-speculative load instruction (TI, pages 3-4, 3-4 to 3-11 and Appendix A, pipelining)

Claim 3

The method of claim 1, wherein the unique graphical indicator is selected from the group consisting of text color, background color, a line, an arc, a box and a tag.

Examiner's Response

Morganelli, Figure 4D.

Claim 4

The method of claim 1, wherein the displaying the unique graphical indicator step further comprises: indicating if the at least one instruction characteristic is a loop-carried dependency.

Examiner's Response

Ti, page 3-13

Claim 5

The method of claim 1, wherein the displaying the unique graphical indicator step further comprises: indicating if the at least one instruction characteristic is a data-speculative load instruction with at least one possible conflicting store.

Examiner's Response

instruction (TI, pages 3-4, 3-4 to 3-11 and Appendix A, pipelining)

Claim 7

The system of claim 6, wherein the at least one code characteristic is selected from the group consisting of a user-visible sub-statement instruction, a loop entry instruction, a loop body instruction, dead code instruction, and a data-speculative load instruction.

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Examiner's Response

As per claim 2.

Claim 8

The system of claim 6, wherein the unique graphical indicator is selected from the group consisting of text color, background color, a line, an arc, a box and a tag.

Examiner's Response

As per claim 3.

Claim 9

The system of claim 6, wherein the displaying means further comprises: means for indicating if the at least one instruction characteristic is a loop-carried dependency.

Examiner's Response

As per claim 4.

Claim 10

The system of claim.. 6, wherein the displaying means further comprises: means for indicating if the at least one instruction characteristic is a data speculative load instruction with at least one possible conflicting store.

Examiner's Response

As per claim 2.

Claim 12

The computer readable medium of claim 11, wherein the at least one code characteristic is selected from the group consisting of a user-visible sub-statement instruction, a loop entry instruction, a loop body instruction, dead code instruction, and a data-speculative load instruction.

Examiner's Response

As per claim 2.

Claim 13

The computer readable medium of claim 11, wherein the unique graphical indicator is selected from the group consisting of text color, background color, a line, an arc, a box and a tag.

Examiner's Response

As per claim 3.

Claim 14

The computer readable medium of claim 11, wherein the displaying logic further comprises: logic for indicating if the at least one instruction characteristic is a loop-carried dependency.

Examiner's Response

As per claim 4.

Claim 15

The computer readable medium of claim 11, wherein the displaying logic further comprises:

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logic for indicating if the at least one instruction characteristic is a data speculative load instruction with at least one possible conflicting store.

Examiner's Response

As per claim 5.

Claim 17

The system of claim 16, wherein the at least one code characteristic is selected from the group consisting of a user-visible sub-statement instruction, a loop entry instruction, a loop body instruction, dead code instruction, and a data-speculative load instruction.

Examiner's Response

As per claim 2.

Claim 18

The system of claim 16, wherein the unique graphical indicator is selected from the group consisting of text color, background color, a line, an arc, a box and a tag.

Examiner's Response

As per claim 3.

Claim 19

The system of claim 16, wherein the displaying logic further comprises: logic for indicating if the at least one instruction characteristic is a loop-carried dependency.

Examiner's Response

As per claim 4.

Claim 20

The system of claim 16, wherein the displaying logic further comprises: logic for indicating if the at least one instruction characteristic is a data speculative load instruction with at least one possible conflicting store.

Examiner's Response

As per claim 5.

Response to Arguments

A Summary of Applicant's arguments are presented below.

Specification – The new Specification has been entered.

Title – The Examiner will rename the invention at the time of allowance. Applicant is given an opportunity to choose the name during prosecution.

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101 – Applicant’s arguments are mere allegation. If Applicant would like to argue in view of State Street on the issue of tangibility the Examiner would be interested in reading the arguments.

102 – Claim 16 was improperly rejected under the header of 102. Correction has been made. Applicant’s arguments regarding “enhanced programmer understanding” etc with emphasis. These arguments are directed toward quantifiable claim limitations. To what degree of “enhanced” is not measurable. Applicant would be best served emphasizing differences in the limitations to prior art as opposed to non measurable opinions

Correspondence

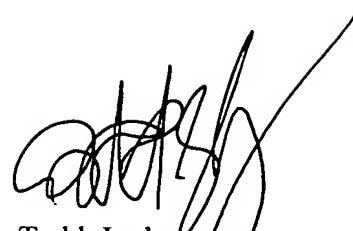
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Todd Ingberg
Primary Examiner
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